



General Assembly

January Session, 2015

Raised Bill No. 7011

LCO No. 5172



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING THE AUTHORITY OF ANIMAL CONTROL OFFICERS IN COMMON INTEREST COMMUNITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 22-332d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) Any animal control officer for a municipality which has adopted
5 an ordinance under subsection (b) of section 22-339d, as amended by
6 this act, may take into custody any cat found to be: [damaging
7 property] (1) Damaging: (A) Property other than property of its owner
8 or keeper, or (B) property that is part of the common elements of a
9 common interest community, as defined in section 47-202, or (2)
10 causing an unsanitary, dangerous or unreasonably offensive condition
11 unless such cat can be identified as under the care of its owner or a
12 registered keeper of feral cats. The officer shall impound such cat at the
13 pound serving the town where the cat is taken unless, in the opinion of
14 a licensed veterinarian, the cat is so injured or diseased that it should
15 be destroyed immediately, in which case the municipal animal control
16 officer of such town may cause the cat to be mercifully killed by a

17 licensed veterinarian or disposed of as the State Veterinarian may
 18 direct. The municipal animal control officer shall immediately notify
 19 the owner or keeper of any cat so taken, if known, of its impoundment.
 20 If the owner or keeper of any such cat is unknown, the officer shall
 21 immediately tag or employ such other suitable means of identification
 22 of the cat as may be approved by the Chief Animal Control Officer and
 23 shall promptly cause a description of such cat to be published once in
 24 the lost and found column of a newspaper having a circulation in such
 25 town.

26 Sec. 2. Subsection (b) of section 22-339d of the general statutes is
 27 repealed and the following is substituted in lieu thereof (*Effective from*
 28 *passage*):

29 (b) A municipality may adopt an ordinance providing that no
 30 person owning or keeping any cat shall permit such animal to (1)
 31 substantially damage property other than the property of the owner or
 32 keeper, (2) substantially damage property that is part of the common
 33 elements of a common interest community, as defined in section 47-
 34 202, or [(2)] (3) cause an unsanitary, dangerous or unreasonably
 35 offensive condition. Violation of such provision shall be an infraction.

36 Sec. 3. Section 22-357 of the general statutes is repealed and the
 37 following is substituted in lieu thereof (*Effective from passage*):

38 If any dog does any damage to either the body or property of any
 39 person, the owner or keeper, or, if the owner or keeper is a minor, the
 40 parent or guardian of such minor, shall be liable for the amount of
 41 such damage, except when such damage has been occasioned to the
 42 body or property of a person who, at the time such damage was
 43 sustained, was committing a trespass or other tort, or was teasing,
 44 tormenting or abusing such dog. If a minor, on whose behalf an action
 45 under this section is brought, was under seven years of age at the time
 46 such damage was done, it shall be presumed that such minor was not
 47 committing a trespass or other tort, or teasing, tormenting or abusing
 48 such dog, and the burden of proof thereof shall be upon the defendant

49 in such action. For the purposes of this section, "property" includes,
50 but is not limited to, a companion animal, as defined in section 22-351a
51 and the common elements of a common interest community, as
52 defined in section 47-202, and "the amount of such damage", with
53 respect to a companion animal, includes expenses of veterinary care,
54 the fair monetary value of the companion animal and burial expenses
55 for the companion animal.

56 Sec. 4. Section 22-358 of the general statutes is amended by adding
57 subsection (i) as follows (*Effective from passage*):

58 (NEW) (i) For purposes of this section, the premises of the owner or
59 keeper of a dog, cat or other animal shall not be deemed to include any
60 property that is part of the common elements of a common interest
61 community, as defined in section 47-202.

62 Sec. 5. Subsection (a) of section 22-364 of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective from*
64 *passage*):

65 (a) No owner or keeper of any dog shall allow such dog to roam at
66 large upon the land of another, including, but not limited to, any
67 property that is part of the common elements of a common interest
68 community, as defined in section 47-202, and not under control of the
69 owner or keeper or the agent of the owner or keeper, nor allow such
70 dog to roam at large on any portion of any public highway and not
71 attended or under control of such owner or keeper or his agent,
72 provided nothing in this subsection shall be construed to limit or
73 prohibit the use of hunting dogs during the open hunting or training
74 season. The unauthorized presence of any dog on the land of any
75 person, including, but not limited to, any property that is part of the
76 common elements of a common interest community, as defined in
77 section 47-202, other than the land of the owner or keeper of such dog,
78 or on any portion of a public highway when such dog is not attended
79 by or under the control of such owner or keeper, shall be prima facie
80 evidence of a violation of the provisions of this subsection. Violation of

81 any provision of this subsection shall be an infraction.

82 Sec. 6. Section 22-364a of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective from passage*):

84 Any person who intentionally or recklessly releases a domestic
85 animal that enters upon the real property of another person and causes
86 damage to such real property in an amount in excess of one hundred
87 dollars shall have committed an infraction. For purposes of this
88 section, "real property" includes, but is not limited to, any property
89 that is part of the common elements of any common interest
90 community, as defined in section 47-202.

91 Sec. 7. Section 22-364b of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective from passage*):

93 The owner or keeper of a dog shall restrain and control such dog on
94 a leash when such dog is not on the property of its owner or keeper or
95 is on property that is part of the common elements of any common
96 interest community, as defined in section 47-202, and is in proximity to
97 a blind, deaf or mobility impaired person accompanied by his guide
98 dog, provided the guide dog is in the direct custody of such blind, deaf
99 or mobility impaired person, is wearing a harness or an orange-colored
100 leash and collar which makes it readily-identifiable as a guide dog and
101 is licensed in accordance with section 22-345. Any person who violates
102 the provisions of this section shall have committed an infraction. If an
103 owner or keeper of a dog violates the provisions of this section and, as
104 a result of such violation, such dog attacks and injures the guide dog,
105 such owner or keeper shall be liable, as provided in section 22-357, as
106 amended by this act, for any damage done to such guide dog, and such
107 liability shall include liability for any costs incurred by such blind, deaf
108 or mobility-impaired person for the veterinary care, rehabilitation or
109 replacement of the injured guide dog and for reasonable attorney's
110 fees.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	22-332d(a)
Sec. 2	<i>from passage</i>	22-339d(b)
Sec. 3	<i>from passage</i>	22-357
Sec. 4	<i>from passage</i>	22-358
Sec. 5	<i>from passage</i>	22-364(a)
Sec. 6	<i>from passage</i>	22-364a
Sec. 7	<i>from passage</i>	22-364b

ENV *Joint Favorable*

PD *Joint Favorable*